

I. INTRODUCTION

The Maine Fire Protection Services Commission (Fire Commission) was created by the Maine Legislature in 2000 (5 M.R.S.A. Chapter 319 §3371) to monitor and evaluate the State's fire protection services system on a continuing basis and to provide recommendations to the appropriate state agencies and to the Legislature regarding necessary changes in the fire protection services system.

The Fire Commission consists of twenty-one members representing the Legislature, the fire service and related fields in Maine. Appointments to the Fire Commission are set by statute. A copy of the statute is attached as *Appendix A*. Nineteen appointments were made to the Fire Commission in 2000. An additional member was appointed in April 2001. One member resigned in January 2002, so total membership remains at nineteen.

Terms of the Fire Commission members, also set by statute, are as follows: The initial gubernatorial appointments: 4 must be for terms of 3 years, 4 must be for terms of 2 years, and 4 must be for terms of 1 year. Subsequent appointments by the Governor are for terms of 3 years. Legislators' terms will coincide with their respective legislative terms of office. Other members who are not Legislators or appointed by the Governor serve for terms of 3 years.

Terms of four Fire Commission members expired in November 2001 and all four members chose to remain on the commission for additional three-year terms. The present membership of the Fire Commission is as follows:

Senator William O'Gara- Maine Senate
Senator Christine Savage- Maine Senate
Representative Michael Quint- Maine House of Representatives
Michael Albert- Career Firefighters (Professional Fire Fighters of Maine)
Jack Berry- Volunteer Firefighters (Maine State Federation of Fire Fighters)
Jay Bradshaw- Governor's Office
Chief Jeffrey Cammack- Full time Fire Chief (Maine Fire Chiefs Association)
John A. Cannon- Career Firefighters (Professional Fire Fighters of Maine)
John C. Dean- State Fire Marshal's Office
Chief Darrel Fournier- Fire Chief, Paid on Call (Maine Fire Chiefs Association)
Albert L. Godfrey, Sr.- Call Firefighters (Maine State Federation of Fire Fighters)
Edward I. Johnston- Volunteer Firefighters (Maine State Federation of Fire Fighters)
Randy Keep- Insurance Industry
Geoffrey Maker- Call Firefighters (Maine State Federation of Fire Fighters)
Harty Norris- Public
Tom Parent- Maine Forest Service
Chief Jethro Pease- Volunteer Fire Chief (Maine Fire Chiefs Association)
David Wacker- Bureau of Labor Standards
Steve Willis- Maine Fire Training and Education

The initial meeting of the Maine Fire Protection Services Commission was held on March 27, 2001 at the Maine Emergency Medical Services (MEMS) Building, Edison Drive, Augusta. The Fire Commission elected Senator William O’Gara, Chair; Chief Darrel Fournier, Vice Chair; Albert Godfrey, Sr., Secretary; and John Dean, Treasurer.

The Maine Fire Protection Services Commission’s initial year was both busy and challenging. A total of seventeen meetings were held in 2001. (See *Appendix B* for a compilation of the Fire Commission’s minutes.) The Fire Commission developed rules of procedure necessary to carry out its duties and adopted bylaws. (See *Appendix C* for a copy of the Fire Commission’s bylaws.). Goals were established, priorities set and staff was hired. Subcommittees, comprised of Fire Commission members and members of the public, were formed to address the eleven specific duties set forth in the authorizing legislation and to make recommendations to the Fire Commission.

II. SIGNIFICANT ACTIVITIES AND ISSUES

The following is a summary of the major activities and issues undertaken by the Maine Fire Protection Services Commission in 2001. Many of the Fire Commission’s tasks are ongoing and require additional time and study before any recommendations can be made. An important aspect of the Fire Commission’s work is the commitment to consensus building, which has and will continue to ensure that the recommendations are the result of unanimous consent.

A. Survey of Fire Departments

The Fire Commission recognized early in its deliberations that there was a lack of credible data regarding the population of firefighters in Maine. A survey requesting information on the number, gender and age group of their firefighters was sent to local fire departments. (See *Appendix D* for a copy of the survey form.) To date, over 80% of the surveys have been returned and the Fire Commission has a more accurate picture of Maine’s firefighters.

B. Health Care

The Legislature specifically charged the Fire Commission to evaluate the creation of a program of health care coverage for career firefighters from the date of retirement to eligibility for Medicare. Providing health care to firefighters is a very important and serious task for the Fire Commission. The cost of health care coverage is a major challenge considering that retired firefighters are statistically a “high risk” group. The Fire Commission is also exploring the feasibility of expanding eligibility to firefighters statewide. The Fire Commission has contracted with Milliman, USA to conduct an actuarial analysis of providing health care coverage to Maine firefighters evaluating three options:

1. Retired firefighters
2. Retired firefighters and all career firefighters
3. All firefighters: retired, career and volunteer

The Fire Commission anticipates a report from Milliman, USA by June 2002.

C. Volunteer Recruitment and Retention

An important task for the Fire Commission is evaluating incentives that would help local fire departments recruit and retain volunteer firefighters. These volunteers are crucial to maintain existing levels of fire protection in Maine. The Commission to Study the Enhancement of Fire Protection Services established by the 119th Maine Legislature found in its report that call and volunteer firefighters save Maine communities \$50 million annually in local tax revenues that would be needed to fund full-time firefighters. The Legislature specifically charged the Fire Commission to consider a length-of-service program (LOSP) that has been offered in other states. Similar to evaluating the feasibility of providing health care to firefighters and utilizing the information compiled from the survey of local fire departments, the Fire Commission sought actuarial services to determine the costs and structure of various L.O.S.P. options for Maine. The Fire Commission has recently entered into contract services with Penflex, Inc. of New York and anticipates their report by June 2002.

Another major task is to set the eligibility criteria for participation in a volunteer incentive program. The Fire Commission recognized the importance of setting standards that would strengthen Maine's volunteer fire protection services and also be acceptable to local fire departments. At the December 17th, 2001 meeting of the Fire Commission, unanimous agreement was reached. A year of service will be recognized for any volunteer or call firefighter that is certified to have met the following criteria by his/her Fire Chief:

1. Perform functions recognized within the National Incident Command System (ICS) or Incident Management System (IMS) and
2. Twenty-four (24) hours of creditable training and
3. Twenty-four (24) hours of fire department service.

The Fire Commission recognizes the importance of establishing an independent oversight board to regulate the length-of-service program and periodically review and modify, if necessary, the standards for eligibility. The Fire Commission attempted to make the standards attainable for all firefighters who choose to meet these qualifications and also discussed offering creditable years of service to firefighters for previous service.

D. Resources for the State Fire Marshal's Office (SFMO)

The Fire Commission finds that revenues dedicated to the State Fire Marshal's Office have not kept pace with the cost of operation. Criminal cases, which have increased as a percentage of all investigations, require tremendous time and resources. These cases lead to additional overtime costs, all of which add to the funding challenge of this vital state office.

History of Funding the State Fire Marshal's Office

The primary sources of funding for the SFMO are the Fire Investigation and Prevention Tax (FIP Tax), 25 M.R.S.A. §2399 (see *Appendix E* for a copy of the statute), and fees collected for inspections and plan review. The FIP Tax was originally established to solely fund the SFMO but the revenue from the tax is now split between the SFMO (75.7%) and Maine Fire Training & Education (24.3%). The FIP Tax distribution is illustrated in *Appendix F* in the graph prepared by the Department of Public Safety.

The FIP Tax was first adopted in early 1938 at .5 of 1%. The SFMO received the full amount of the revenue generated by the tax. The tax was not increased until October 3, 1973, to .6 of 1%. On October 24, 1977, the tax was again increased, to .75 of 1%.

In early March of 1983, the FIP Tax was increased to .95 of 1%. However, the SFMO received only 89.5% of the revenue generated. For the first time Maine Fire Training & Education (MFT&E) was allotted 10.5%. The last time the FIP Tax was increased was in 1991, to 1.4%. The SFMO's share of the revenue decreased, this time to 75.7% of the revenue generated, while MFT&E's share increased to 24.3%.

The changes in rates and distribution of the FIP Tax have resulted in only a 24% increase for the SFMO from 1983 to the present. In contrast, the operating costs of the SFMO have increased approximately 67%.

By comparison, the State valuation in 1990 was \$68,471,100,000 and increased to \$88,361,753,000 by 2000, a 29% increase over ten years. This represents an average 3% increase per year during the decade. State valuations for 2000 and 2001 have seen a 10% increase in valuation each year.

Yet there has not been a corresponding increase in revenue from the FIP Tax. As a result, the SFMO has been flat funded since 1992, while operating costs have increased by more than one million dollars. With this increased cost of operations, the fund balance, which the SFMO had been able to carry, has been completely depleted. The funding shortfall for FY03 is projected at \$735,360 and this is to simply maintain existing level of services with no added programs or personnel.

In 2001, an interim plan was put into effect to maintain the SFMO while the Fire Commission studied funding options. The Maine Legislature increased some inspection fees (others have not increased since 1991), and established a one time .4% emergency assessment on fire insurance premiums to maintain funding for the SFMO. This

temporary assessment, which will be repealed on June 30, 2002, is expected to generate between \$400,000 and \$500,000 in revenue for the SFMO. The actual revenue from the emergency assessment is unknown because the Maine Revenue Service failed to properly institute a collection mechanism for nearly three months. Even now, it is uncertain what efforts are being undertaken by the Maine Revenue Service to recoup these lost revenues or to ensure all revenue is being collected. Maine Revenue Service does not track the revenue in a manner that allows a proper accounting of the emergency assessment separate from the FIP Tax.

Increased Demand for Services

The nature of fire investigations is that fires do not follow a predictable schedule. Fires occur at all hours necessitating a response by the SFMO during nights, weekends and holidays. Local and other state agencies depend on the SFMO to investigate fires and to determine the origin and cause. A single investigator may handle some scenes while others require numerous investigators. In many cases an investigation leads to a criminal case. These cases demand large amounts of time to gather and process evidence, conduct interviews and surveillance, gather financial records, write reports, and prepare a case for prosecution. The SFMO has only eleven investigators and is not always fully staffed. The number of investigators in the Investigation Division has not increased since the mid-1980s. With an annual occurrence rate of about 500 incidents per year, each investigator carries an average of approximately 50 investigations per year.

The combination of unpredictable hours, complex cases and high caseloads results in large amounts of overtime. In Maine, with a large tourist industry, many fires have witnesses who must be interviewed immediately before they leave the state. Moreover, owners of businesses, campgrounds, motels and rental units all want an investigation completed quickly so the area can be cleaned and business restored as soon as possible. To complicate matters, while working on open cases, the investigator will be assigned to respond to new fire investigations.

Funding Studies

The Maine Legislature has studied the State Fire Marshal's Office funding challenges since 1997. The 118th, 119th, and 120th Maine Legislatures have addressed this issue through studies and commissions. All have identified the need for increased funding for the SFMO. Other independent studies have also concluded a need for additional investigators and increased inspections, in addition to the funding needs.

When the 119th Maine Legislature created the Maine Fire Protection Services Commission it charged the Fire Commission to study a more permanent solution to the funding problem. The Fire Commission looked at two studies of funding sources for other states' Fire Marshal offices. These studies were conducted by the Oregon State Fire Marshal's Office and the Alliance of American Insurers and illustrate that funding for states' Fire Marshal offices comes from three principal sources: a state's general fund, fees for services, and a tax on fire insurance premiums. (See *Appendix G* for copies of the two studies.) Thirty states (60%) plus the District of Columbia fund their SFMO through

their general funds. Approximately 16 states (31%) rely primarily on a tax on fire insurance premiums.

The Fire Commission believes that the shortfall is due, in part, to the fact that a number of large self-insured companies or companies with a high retention (deductible) within Maine do not pay any fire tax or assessment, and would be potential revenue sources if taxed like all other insureds. The Fire Commission is not recommending the funding formula for the operations of the SFMO and MFT&E be changed at this time, but suggests that the funding issue continue to be studied to determine an alternative funding mechanism for the two agencies.

E. Resources for Maine Fire Training and Education (MFT&E)

Funding for fire protection services at the local level is dependent upon local revenues. Existing high property taxes and competing demands for local resources are a constant challenge to all municipalities. The Fire Commission recognizes the need for increased training and services for local fire departments and opportunities to provide this training at low or no cost must be explored. The Fire Commission also believes the State should encourage training and educational opportunities for Maine citizens to prevent fires and injuries. Examples of some successful programs in Maine are the Pine Tree Burn Foundation, Portland Firefighter's Children's Burn Foundation and other individual department's fire prevention programs presented through their local schools. The State should also consider other means to encourage additional fire prevention training and educational opportunities for fire departments at the local level.

MFT&E's primary funding source, like the State Fire Marshal's Office, is the Fire Investigation and Prevention Tax (FIP Tax). Revenues from the FIP Tax have not kept pace with the cost of living since 1992. MFT&E's operating costs have risen and the result is a loss of \$247,583 per year for training courses that are provided at no cost to communities statewide. This shortage necessitates cuts of 110 local training courses per year (training for 1,320 firefighters).

The MFT&E Strategic Plan, a comprehensive roadmap for meeting the training needs of Maine's firefighters, was developed in 1999 utilizing a structured process with input from over 150 fire services leaders statewide. A top priority identified in the plan was to increase standardized training to fire departments in Maine.

Maine has an estimated 10,000 + firefighters. A firefighter requires initial training of approximately 100 hours and an estimated twenty-four hours of annual training to perform a demanding job safely and effectively. The minimum training needs of Maine's firefighters require a total of 240,000 student hours of training (approximately 1,500 courses) annually.

The Fire Commission supports the strengthening of fire training and services to local fire departments. Increasing the availability of free and low cost training to local communities should be encouraged. The distribution of State surplus computers to local fire departments as proposed in L.D. 1903 is a positive first step towards this training. (See *Appendix H* for a copy of LD 1903.) The Fire Commission supports the use of technology to increase training opportunities for the local fire departments. The State

should also encourage training and educational opportunities for fire departments and citizens to prevent fires and to protect themselves.

In addition, the Fire Commission has begun to randomly survey thirty local fire departments to define their experience with the SFMO and MFT&E, and to measure their needs and expectations with existing resources. The telephone survey will seek to establish the effectiveness of the primary services of both the SFMO and MFT&E. The Fire Commission anticipates the survey will be completed by June 2002.

F. Firefighter and Emergency Medical Services Training Facilities Needs

The Fire Commission recognized the importance of establishing a subcommittee that would include representatives outside the commission. The Training Facilities subcommittee of the Fire Commission includes members of the Legislature, Maine Criminal Justice Academy, Maine Technical College System, Maine Fire Chiefs Association, Maine State Federation of Fire Fighters, Maine Emergency Management Agency and the 11th Civil Support Team, Weapons of Mass Destruction (WMD), as well as members of the Fire Commission. The Training Facilities subcommittee is assessing statewide firefighter training needs, including evaluations of a central State Firefighter/EMS Academy, regional and local facilities. The Fire Commission will conduct a survey of fire departments' training facility needs and an inventory of existing resources.

Responding to fire, medical, hazardous material mitigation, rescue, terrorism, and other emergencies is dangerous and demanding. Maine's firefighters and emergency medical services (EMS) personnel need highly technical and specialized training and education. Becoming trained and keeping skills proficient is an ongoing challenge for all of Maine's firefighters and emergency medical services responders.

While some of the training and education can be done – and is being done – in classrooms at existing facilities, much of the most important training must be done hands-on and under realistic or simulated conditions. However, appropriate facilities for hands-on training are inadequate.

The Fire Commission is analyzing training needs for firefighters, EMS, emergency management and other agencies and their role in homeland security. The analysis includes: number of personnel that must be trained, type and frequency of training, and type and number of facilities needed. The Fire Commission is inventorying existing training and educational facilities to determine each facility's capability to meet identified training needs.

The Fire Commission is collecting both survey and anecdotal data regarding training needs. Training and education for firefighters and emergency services personnel can be grouped into three levels: core training, enhanced training, and specialty training.

Core Training

Core training for firefighters and emergency medical services personnel focuses on the basic skills that responders should possess. Firefighters and EMS personnel must

respond appropriately to a variety of emergency situations and provide those emergency services in a manner that will protect the health of the responder, citizens, property, and the environment. Core training includes assessing hazards, responding safely, providing service while working within an incident management system, and protecting lives and property from further harm. Maine's Firefighter Safety Law, federal and state workplace safety regulation and industry safety standards require that emergency responders be trained commensurate with assigned duties.

Core skills must be provided and developed prior to an individual's assignment to emergency duties, and must be practiced on a regular basis to ensure proficiency, safety and effectiveness. Access to core training facilities must be available to Maine's responders on a regular basis.

Core training for firefighters include, but is not limited to, understanding the basics of prevention, protection systems, fire attack and suppression, mission and scope of emergency organizations, risk assessment and personal protection. Core training topics include emergency vehicle operations, residential fire attack, search & rescue, auto extrication, wildland firefighting, fire prevention and public education activities, incident management/command systems (IMS/ICS), and hazardous materials and terrorism awareness.

Core training is generally organized into comprehensive curriculum packages such as EMERGE Responder Orientation, Telecommunicator, Firefighter I, Hazardous Materials Awareness and Operations, Emergency Vehicle Operations Course (EVOC), Emergency Response to Terrorism, and Driver-Operator. Maine's firefighters in nearly 500 communities need to become proficient, and remain so, in these core skills.

Emergency Medical Services (EMS) personnel are trained and licensed in one of four license levels. Two are basic life support (BLS) and two are advanced life support (ALS). For each of these license levels, core training includes both didactic and clinical areas in addition to many of the specific training also included in firefighter programs.

Enhanced Training

Enhanced training for firefighters and emergency medical services personnel builds on their core training, developing skills that are necessary to meet specific and higher-hazard, but less frequent, local and regional emergencies. Enhanced training prepares firefighters and EMS personnel to educate citizens about protecting themselves from risks, to safely respond to incidents of higher severity and to work with all other emergency responders to mitigate community and region-wide emergencies and disasters.

Enhanced skills are built on existing core skills, using realistic scenarios and conditions. These enhanced skills generally must be updated on a regular basis as hazards, contexts and personnel change. Access to enhanced skills facilities should be available several times each year (e.g. quarterly).

Firefighter enhanced training needs include commercial and industrial fire protection and suppression, technical rescue, integrated emergency management, hazardous materials, terrorism, weapons of mass destruction, and multi-casualty incident operations. Region-specific hazards, such as shipboard firefighting, transportation incidents, and industry-specific hazards must also be considered.

Enhanced training for firefighters is presented as part of training courses such as Firefighter II, Rescue Technician, Haz Mat Technician, Fire Officer I and II, Fire Instructor, Fire Inspector, Fire Investigator, and Fire and Life Safety Educator. Enhanced training for EMS personnel include injury prevention, ambulance vehicle operator training, and mass casualty incident. Weapons of mass destruction and terrorism are currently part of an enhanced training program; however, as a result of recent terrorist events, this will likely become incorporated into the core curricula for EMS training in the near future. Ideally all firefighter and EMS organizations should have a cadre of personnel trained to the enhanced level.

Specialty Training

Specialty training for firefighters and other emergency services personnel prepares specialists and command personnel to work with community, industrial and other leaders to manage highly dangerous incidents with potential for widespread and deadly consequences. Specialty training prepares these key personnel to organize community, regional, state and federal resources to prevent, mitigate and resolve high-impact incidents.

Specialty skills generally require teamwork, in-depth reasoning and fine motor skills in high-stress environments. Maintaining proficiency requires practice. At minimum, Maine's responders should have access to specialty training facilities on an annual basis.

Firefighter specialty training needs include community risk assessment, urban-wildland interface fire protection and suppression, advanced technical rescue, aircraft firefighting, and multi-agency and region-specific emergency preparation and mitigation. Various agencies offer programs of specialty training to firefighters. Some examples include Fire Science Technology associate degree courses, National Fire Academy direct-delivery courses in Maine communities, inter-agency exercises and drills, special workshops and seminars.

EMS personnel specialty training includes water rescue, high angle rescue, wilderness rescue and other medical or rescue training that may be required by a given service or municipality in order that they may be better prepared for the needs of their service area.

Training Facilities Needs

The numbers of firefighters and emergency medical services personnel to be trained, the frequency that skills must be practiced and refreshed, the need for specialized training facilities for many skills, and the geography of Maine appear to indicate a need for a comprehensive, coordinated approach to firefighter and emergency medical service personnel training facilities. A comprehensive approach, utilizing one central training facility augmented by several regional facilities and supported by local facilities, may be the most cost-effective way to meet the training needs of all of Maine's emergency responders.

Central Training Facility

Maine is the only New England state without a central fire/EMS training facility. A central facility could offer all levels of training (core, enhanced, and specialized) and serve hundreds of responders each year.

The focus of a central facility would be three-fold:

1. Preparing pre-service career responders – and volunteer responders in the immediate geographic area – in core skills training.
2. Training career personnel and volunteer personnel in the region in enhanced skills training.
3. Offering specialty training to firefighters, EMS responders and other support services.

An effective central training facility would include:

- Full-service facilities, mockups and simulators to support a wide variety of core, enhanced and specialized training for hundreds of responders each year.
- Necessary training support resources and infrastructure including fire and emergency response apparatus, equipment, supplies, etc.
- Weekday, evening, and weekend availability year-round.
- Distance learning technology for statewide interaction.
- Administrative, training and support personnel offices.
- Lodging and meal facilities.

A central fire academy could be constructed and supported using state and federal funds, preferably in collaboration with agencies and utilizing existing classroom, lodging, and other infrastructure.

Regional Training Facilities

Travel distances, limited time to devote to training, the need to be available to respond, and the sheer numbers of responders to be trained will require that a limited number of regional training facilities be provided.

The primary focus of regional facilities would be:

- Complimenting the central facility by augmenting high-demand mockups and simulators.

- Serving career and volunteer responders in the region in core skills training and enhanced skills training, generally evenings and weekends.
- Offering region-specific specialty training to fire and emergency responders in the region (shipboard firefighting, for example).

Cost-effective regional training facilities would include:

- High usage mockups and simulators to support core, enhanced and specialized training for responders in the region.
- Modest training support resources and infrastructure including limited firefighter and EMS response apparatus, equipment and supplies.
- Weekday, evening, and weekend availability year-round.
- Distance learning technology for statewide interaction.
- Modest administrative, training and support personnel offices.

Strategically-located regional academies could be constructed and supported using federal, state, county, local and private resources, again preferably in collaboration with agencies and utilizing existing classroom, lodging, and other infrastructure

Local Training Facilities

Maintaining core skills proficiency for firefighters and EMS personnel requires constant practice. Volunteers require evening and weekend training sessions and for career firefighters and EMS personnel, on-duty drills are a constant priority. Traveling to a central or regional training facility on a daily or weekly basis is not feasible for the majority of Maine's responders. The third component of a comprehensive approach to emergency responder training facilities is support for local training facilities. The primary focus of local facilities would be to:

- Complement central and regional facilities by offering basic, high frequency training mockups for residential fire attack, ladder practice, auto extrication, pumping, etc.
- Meet training challenges by providing specific facilities for local hazards.

Locally owned training facilities, with modest state support, would provide:

- High usage basic mockups and simulators to support the core training needs of local and mutual aid responders.
- Basic training support resources and infrastructure.
- Weekday, evening, and weekend availability year-round.
- Distance learning technology for statewide interaction.
- Very modest administrative, training and support personnel offices, if needed.

Grant support for local training facilities, such as the Firefighter Training Facilities Grants administered by Maine Fire Training and Education, could offer state resources to

assist local communities in building and maintaining local facilities that complement regional and central facilities and meet the needs of Maine emergency responders.

Maine's firefighters and EMS responders are faced with unprecedented risks and demands for service. Recent events have reinforced what has been known for years: that coordinated, standardized and readily available training is crucial to having a public safety system that is prepared to provide both protection and emergency response.

G. Risks to Firefighters and EMS Personnel of Serious Injury and Protection Against Infectious Diseases

Firefighters and EMS personnel face many hazards when called to duty, including serious injury and exposure to infectious disease. Initial data obtained from the Maine Bureau of Labor Standards and the Maine Workers' Compensation Board (*See Appendix I* for copies of the data) show that an average of 100 Maine firefighters per year are injured seriously enough to miss at least 7 days of work. It is the opinion of the Fire Commission that this rate of injury is unacceptably high and steps must be taken to reduce the risk of injury to firefighters. Further analysis of this information to determine opportunities through training, education and risk identification is ongoing.

Exposure to infectious disease is another major concern of firefighters and EMS personnel. Among the most serious are hepatitis, hepatitis C, tetanus and tuberculosis (TB). L.D. 1746 "An Act to Amend the Workers' Compensation Laws to Provide for a Rebuttable Presumption of Eligibility for Benefits for Hepatitis or Hepatic Disease for Firefighters and Emergency Medical Personnel" is being considered by the Legislature in 2002. (*See Appendix J* for a copy of LD 1746.) The Fire Commission believes this legislation is an important step toward recognizing some of the exposures faced by firefighters and EMS personnel and strongly encourages enactment of L.D. 1746.

The Fire Commission, however, does not support the exclusion from the presumption of any firefighter who works or volunteers with more than one municipal fire department. It is common practice for firefighters to volunteer in their local community and be employed by another municipality. The individual firefighter and the communities both benefit from the shared experience and expertise and this spirit of volunteerism should be encouraged and supported. The Fire Commission believes the rebuttable presumption should apply to all firefighters and EMS personnel.

H. Death Benefits Program

The Fire Commission was charged with creating a fund to be used to provide a death benefit for firefighters and emergency medical services personnel who die in the line of duty. The Death Benefits subcommittee obtained forms from the federal firefighter death benefit program and the federal forms were revised to meet Maine's needs. The forms and rules for the line of duty death benefits program have been

reviewed by the Maine Attorney General's Office and are currently undergoing the A.P.A. (Administrative Procedures Act) process. (See *Appendix K* for a copy of the proposed rules and forms.).

I. Public Awareness

The Fire Commission recognizes the important duty it has to inform and educate the Legislature, the Governor and appropriate state agencies, and the public about its needs and solutions to problems concerning the State's fire protection services system. The Fire Commission has a web page that currently lists the Fire Commissions' members, bylaws and minutes of its meetings. Future plans include a calendar of events, newsletters and links to other sites. The Fire Commission's web site is located at www.state.me.us/DPS/FMO/firecomm.

In 2001, the Fire Commission prepared a PowerPoint presentation (see *Appendix L* for a copy of the PowerPoint presentation) and met with statewide groups of community and fire service leaders, as well as federal officials. Future public meetings are planned throughout the state.

III. SUMMARY

The Maine Legislature established the Maine Fire Protection Services Commission in 2000 to monitor the State's fire protection services system and to provide recommendations to the Governor and the Legislature regarding necessary changes in the fire protection services system. Presently there are nineteen members on the Fire Commission representing the Legislature, fire service and related fields in Maine.

The Fire Commission's first meeting was on March 27, 2001. The following members were elected to serve as officers of the Fire Commission:

Senator William O'Gara- Chair
Chief Darrel Fournier- Vice Chair
Albert Godfrey, Sr.- Secretary
John Dean- Treasurer

An additional sixteen meeting were held in 2001. Minutes of the meetings can be found in *Appendix B* of this report or at the Fire Commission's website. (www.state.me.us/DPS/FMO/firecomm.) The Fire Commission adopted bylaws, formed subcommittees, hired staff, established goals and set priorities to address the eleven specific charges of the Legislature.

The initial year of the Fire Commission was both busy and challenging. The Fire Commission undertook the following activities in 2001:

1. Surveys

Surveys were developed and sent to nearly 400 fire departments to determine the total number of firefighters in Maine. Over 80% of the surveys have been returned. The Fire Commission maintains a database of over 320 fire departments containing important data on age, gender and numbers of firefighters in Maine. A mailing list is also kept and updated.

The Fire Commission has also begun to survey thirty fire departments regarding their experience with the State Fire Marshal's Office (SFMO) and the Maine Fire Training and Education Program (MFT&E). The Fire Commission is seeking to measure the expectations with existing resources and determine their effectiveness.

2. Health Care and Recruitment and Retention

The Fire Commission dealt with two very important issues in 2001. The first issue was evaluating the creation of a program of health care coverage for career firefighters from the date of retirement to eligibility for Medicare. Evaluating incentives to help local fire departments recruit and retain volunteer firefighters, specifically the consideration of length-of-service

programs (L.O.S.P.) that have been offered in other states, was the second issue undertaken by the Fire Commission. The Legislature appropriated funds for the Fire Commission to conduct actuarial studies to determine the feasibility of providing health care to Maine's firefighters and to determine the costs and structure of various L.O.S.P. options for Maine. Requests for Proposals (RFP) were made and two contracts recently have been awarded. The Fire Commission anticipates reports by June 2002 and to make recommendations to the 121st Legislature on these two important issues.

3. Funding Issues

Resources for the State Fire Marshal's Office (SFMO) and the Maine Fire Training and Education Program (MFT&E) have not kept pace with operating costs. An increased demand for services and the need for increased inspections and more investigators have strained the SFMO's resources. The SFMO and MFT&E are dependent on the Maine Fire Investigation and Prevention Tax for the majority of their funding. Although the Fire Commission believes the funding shortfall is due, in part, to the fact that a large number of large self-insured companies or companies with a high retention (deductible) within Maine do not pay any fire tax or assessment, and would be potential revenue sources if taxed like other self-insureds; the Fire Commission does not recommend changing the funding formula for the SFMO and MFT&E at this time, but rather suggests the funding issue continue to be studied to determine an alternative funding mechanism.

4. Training Needs for Firefighters and Emergency Medical Services (EMS) Personnel

The Fire Commission supports the strengthening of firefighter training and services to local departments and encourages the availability of free and low cost training. The Fire Commission supports LD 1903- the distribution of surplus state computers to local fire departments- as a positive first step.

Maine's firefighters and EMS personnel respond to dangerous and demanding situations and need highly technical and specialized education and training. Initial training for firefighters and EMS personnel and retaining proficiency of skills continues to be an ongoing challenge. The Fire Commission is analyzing the training needs for firefighters, EMS personnel, emergency management and its role in homeland security. The Fire Commission is also conducting an inventory of existing training and educational facilities in Maine and determining each facility's capability to meet identified training needs, as well as determining the State's most effective training facilities- local, regional and central.

5. Death Benefits Program

A death benefits program for firefighters who die in the line of duty was established for Maine's firefighters. The Death Benefits subcommittee obtained forms used by the federal government for their firefighter death benefits program and revised them to meet Maine's needs. The rules and forms for Maine's line of duty death benefits program have been reviewed by the Maine Attorney General's Office and are currently undergoing the A.P.A. process. The rules and forms are available in *Appendix K* of this report.

6. Legislation

The Fire Commission supports passage of the following proposed bills:

LD 2148 "Resolve, Require the Maine Fire Protection Services Commission to Report Regarding Methods to Improve the Recruitment and Retention of Firefighters and the Provision of Healthcare." (Fire Commission bill) See *Appendix M* for a copy of LD 2148.

LD 1903 "Resolve, to Provide Computers to Rural Fire Stations." (Sponsor: President Pro Tem Michaud) See *Appendix H* for a copy of LD 1903.

LD 1746 "An Act to Amend the Workers' Compensation Laws to Provide Rebuttable Presumption of Eligibility for Benefits for Hepatitis or Hepatic Disease for Firefighters and Emergency Medical Services Personnel." (Sponsor: Representative Duplessie) See *Appendix J* for a copy of LD 1746.

7. Public Awareness

The Fire Commission recognizes it has an important duty to inform and educate the Legislature, the Governor and appropriate state agencies, and the public about its needs and solutions to problems concerning the State's fire protection services system. The Fire Commission developed a web page that presently includes the Fire Commission membership list, bylaws and meeting minutes and is located at www.state.me/us/DPS/FMO/firecomm.

The Maine Fire Protection Services Commission will continue to monitor and evaluate Maine's fire protection services system in 2002. The Health Care and Recruitment and Retention (L.O.S.P.) studies need to be completed, the results of the two studies evaluated, and final reports with recommendations submitted to the Legislature by the end of 2002. Health insurance coverage, incentives for volunteer firefighters, sufficient funding for the State Fire Marshal's Office and Maine Fire Training and Education, improved training facilities needs for firefighters and EMS personnel, reduced risks of injury, and safety considerations will continue to be critical issues addressed by

the Fire Commission. Resources need to be determined and additional funding sources explored, such as federal funds for Homeland Defense and other grants. Rulemaking for the line of duty death benefits need to be finalized. Regional presentations and public hearings are some of the additional goals the Fire Commission expects to accomplish in 2002.